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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,098	07/22/2004	Masaaki Takido	P69976USD	4006
136 7590 12/31/2008 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER				
ROSASCO, STEPHEN D				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
12/31/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/502,098

Applicant(s)

TAKIDO ET AL.

Examiner

Stephen Rosasco

Art Unit

1795

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Detailed Action

In response to the Amendment of 11/24/08, wherein claim 2 was amended to include the limitation that the product is a “sealing product”, the examiner withdraws the prior Office Action rejection, includes a new rejection necessitated by amendment, and makes the action Final.

Remarks – the applicant has argued that the cited art teaches only a constitution that a laser beam sensitive additive or the like is adhered or added to the surface of a PTFE main body. And that in the claimed invention a molded product of a seal for slide movement (a seal ring, a backup ring, a thrust washer, etc;) and thus application thereto of such structure that a marking material is adhered to the surface of the PTFE or application of the like is prohibitive, for the reason that a marked portion may be peeled off.

The newly cited reference to Itoh et al. teaches a compressed PTFE composition which could be used for a sliding seal (see col. 2, lines 35-39) - Also, when the silicone rubber is contained in an amount of 5% by weight or more in the rubbery polymer (a), the laser marking resin composition of this invention obtained is excellent in sliding properties.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al. (5,760,120) in view of Harrison (6,855,910).

Itoh et al. addresses the problem that the applicant discusses for laser marking. Itoh et al. states that the term "laser marking" means herein that the surface of a molded article is irradiated with a laser to remove a part thereof by vaporization or pyrolysis. A laser marking method by which the unirradiated portion and the irradiated portion (graphical symbol portion) are distinguished has been carried out. However, this method has such a problem that the degree of coloration and the sharpness of color become insufficient depending upon the material of parts to be laser-marked, the kind of resin to be used and the like.

Itoh et al. teaches a laser marking resin composition in which a specific metal-containing compound is added to a rubber-reinforced vinyl resin, whereby markings excellent in degree of coloration and sharpness are obtained upon irradiation with a laser without deteriorating the appearance of molded article and impact resistance which are the features characteristic of the rubber-reinforced vinyl resin.

Itoh et al. also teach (see col. 10, lines 33+) - The laser marking resin composition of this invention can be formed into a molded article by a molding means such as extrusion molding, injection molding, compression molding or the like and are excellent in laser markability, impact resistance and practical moldability and very useful as an article such as domestic article...

And (col. 2, lines 35-39) - Also, when the silicone rubber is contained in an amount of 5% by weight or more in the rubbery polymer (a), the laser marking resin composition of this invention obtained is excellent in sliding properties.

The teachings of Itoh et al. differ from those of the applicant in that the applicant teaches that the marked area is fluffed and that the fluffed portion has a white based color contrast with the non-irradiated surface.

Harrison teaches (see claims and col. 5, line 31+) - 1) The use of laser or diode based radiation to rapidly elevate the temperature of the marking material atop the substrate to form a new marking layer atop the substrate. 2) a single laser beam pass is all that is required. 3) Selecting marking materials specially formulated to react with specific substrate materials using laser or diode based radiation as the catalyst. 4) Speed with which the mark can be produced. 5) Speed with which the content of the mark can be changed. 6) Method of delivery of marking material to the substrate surface. 7) Marks can be applied to glass and other brittle surfaces without fracturing. 8) Enhanced contrast and/or color of mark. 9) Two-, three-, or four-color images can be marked with near photo quality. 10) Elimination of any firing step of entire workpiece. 11) Ability to first ablate (if desired) and then mark selected substrates to create 3D high-contrast markings with a simple two-step process. 12) Using relatively low-cost, low-contaminating marking materials (glass frits, mixed metal oxides, or mixed organic pigments) instead of silver oxides or

other high-cost highly-toxic materials. 13) Higher resolution of imaged mark (greater than 1000 dpi).

It would have been obvious to one having ordinary skill in the art to take the teachings of Itoh et al. and combine them with the teachings of Harrison in order to make the claimed invention because it is known that the laser etching of PTFE will leave a fluffed portion and it would be obvious to make the color contrast the sharpest in the area that is to be marked.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Stephen Rosasco whose telephone number is (571) 272-1389. The Examiner can normally be reached Monday-Friday, from 8:00 AM to 4:30 PM. The Examiner's supervisor, Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

S.Rosasco
12/29/08

/S. Rosasco/
Primary Examiner, Art Unit 1795